

ENTERED

May 11, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**UNITED STATES OF AMERICA,
Plaintiff,

v.

1.01 ACRES OF LAND, MORE OR LESS,
SITUATE IN CAMERON COUNTY,
STATE OF TEXAS; AND C.T.O.
ENTERPRISES, INC., ET AL.,
Defendants.§
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CASE NO. 1:08-CV-190

**AGREED ORDER ESTABLISHING JUST COMPENSATION, GRANTING
POSSESSION, DISBURSING FUNDS ON DEPOSIT IN THE
COURT'S REGISTRY AND CLOSING CASE**

Pursuant to the Joint Stipulation and Motion for Entry of Agreed Order Establishing Just Compensation, Granting Possession, and Disbursing Funds on Deposit in the Court's Registry, and Closing Case signed by the Plaintiff, United States of America ("United States"), and Defendant C.T.O. ENTERPRISES, INC. ("Defendant"), IT IS HEREBY ORDERED AND ADJUDGED that:

1. The full and just compensation payable by the United States for the taking of the Estate in Tract RGV-HRL-6022 shall be the sum of thirty thousand and 00/100 dollars (\$30,000.00), plus any accrued interest, which sum is all inclusive, for the taking of stated interest in the Subject Property in the Amended Declaration of Taking ("ADT")¹ in the above-captioned proceeding. This sum is in full satisfaction of any claims of whatsoever nature by Defendant against the United States for the institution and prosecution of this case.

¹ Dkt. No. 9.

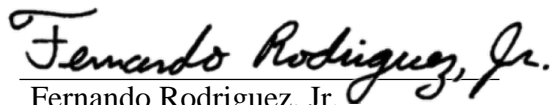
2. Judgment shall be and is hereby entered against the United States in the amount of thirty thousand and 00/100 (\$30,000.00) for the taking of Tract RGV-HRL-6022, along with any accrued interest.
3. All persons in possession or control of the interests taken in Tract RGV-HRL-6022 are **ORDERED** to surrender possession of same to the United States.
4. The total sum of thirty thousand and 00/100 dollars (\$30,000.00), with accrued interest, shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable to and deductible from this amount.
5. The stipulated just compensation remains on deposit in the Court's Registry. The Clerk of Court shall now, without further order of the Court, disburse the total sum of **thirty thousand 00/100 dollars (\$30,000.00), along with any accrued interest earned thereon while on deposit**, payable to:

Barron, Adler, Clough & Oddo, LLP, as trustee for C.T.O. Enterprises, Inc.
808 Nueces St.
Austin, Texas 78701
6. Defendant warrants that (a) Defendant was the owner of the interest in the property taken in this proceeding on the respective dates of taking, (b) that Defendant has the exclusive right to the compensation set forth herein, excepting the interests of parties having liens, encumbrances of record, and unpaid taxes and assessments, if any, and (c) no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
7. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, Defendant shall refund into the Registry of the Court the compensation

distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendant, to the date of repayment into the Registry of the Court.

8. Defendant shall be responsible for its own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.
9. There being no outstanding taxes or assessments due or owing, Defendant is responsible for the payment of any additional taxes or assessments, which they otherwise owe on the interests in the property taken in this proceeding on the date of the taking.
10. Defendant shall take no appeal from any rulings or judgment made by the Court in this action, and the Parties consent to the entry of all motions, orders, and judgments necessary to make this stipulated judgment.
11. Defendant shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the property taken in this proceeding on the date of the taking.
12. This agreed order is binding on the heirs, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendant.
15. All issues in this case are hereby resolved and there are no further issues to consider in this matter. The Clerk of the Court is ORDERED to close this case.

Signed this 11th day of May, 2021.


Fernando Rodriguez, Jr.
United States District Judge

AGREED AS TO FORM AND SUBSTANCE:

Respectfully submitted,

FOR DEFENDANT:

FOR PLAINTIFF:

JENNIFER B. LOWERY

Acting United States Attorney
Southern District of Texas

s/ Roy R. Brandys (with permission)

ROY R. BRANDYS

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s/ Megan Eyes

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